IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.888 OF 2005

Rama Ramesh Sankhalker Petitioner

versus

N.G.Acharya and D.K.Marathe College of Arts, Science and Commerce and others Respondents

Mihir Desai for petitioner.

Mohan Naik for respondents 3 to 5.

Patki for respondents 1 and 2.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 26th April 2005

PC :

1. Heard Mr.Desai in support of this petition. Mr.Patki appears for respondents 1 and 2 and Mr.Naik appears for respondents 3 to 5. Rule. Rule made returnable forthwith. Notice was given on the last date itself i.e. on 19th April 2005 that if possible the matter will be heard finally at the admission stage and accordingly the same is being heard and disposed off.

2. Petitioner is a Lecturer in the subject of

Commerce with the respondent college. She joined in the year 1988. The post on which she joined was meant for a reserved category. Advertisements were given by the college continuously in different years i.e. in the years 1988, 1990, 1991, 1992, 1993, 1994 and 1995. All these advertisements are annexed to the petition. It is the case of the petitioner that she has all the necessary qualifications and that is why she came to be appointed in the year 1988 She has obtained first class in M.Com. and has also done M.Phil.. There was no response to all these advertisements given from the year 1988 from the persons belonging to the reserved category. This being the position, petitioner was continued thereafter all through out.

3. Petition makes a prayer that in view of these state of affairs it is high time that the post ought to be dereserved and the petitioner ought to be regularised in the post where she is working. There is no difficulty in recording that she has been serving satisfactorily since 1988. Respondent college has no grievance with respect to her functioning and that is what Mr.Patki has stated specifically. As far as University or State are concerned, they have also

not filed any counter to dispute the prayers that are made in the petition.

4. In these circumstances in our view, there is no use in keeping this post as a reserved post. It is time that the State Government ought to recognise this reality that in spite of these advertisements no person from the reserved category has become available. Petitioner has been working on the concerned post for last over 17 years. In the circumstances the petition is fully justified and accordingly we make it absolute in terms of prayer clause (a) namely to direct the State to dereserve the post and to regularise the petitioner on the said post from the time she joined in the college with all consequential benefits. Rule made absolute as above, though without any order as to costs.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)